

JUL 31 '24 PM3:05  
RCVD - USDC FLO SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Phillip Mitchell Butler

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Delta Airlines, Ed Bastian CEO  
Executive Vice President Dan Janki  
Chief Marketing Officer Alicia Tillman

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**

Case No. \_\_\_\_\_  
*(to be filled in by the Clerk's Office)*

Jury Trial: ☒ Yes ☐ No  
*(check one)*

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Phillip Mitchell Butler
Street Address	299 Fox Paw Court
City and County	Branchville
State and Zip Code	South Carolina, 29432
Telephone Number	954 243 8510

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	Edward H. Bastian
Job or Title (if known)	Chief Executive Officer
Street Address	1030 Delta Blvd, Atlanta
City and County	Atlanta
State and Zip Code	Georgia, 30354
Telephone Number	

**Defendant No. 2**

Name	Ed Bastian
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

**Defendant No. 3**

Name	Joanne Smith
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Job or Title  
(if known)

Executive Vice President

Street Address

City and County

State and Zip Code

Telephone Number

1800221-1212

Defendant No. 4

Name

Alicia Tillman

Job or Title  
(if known)

Chief Marketing Officer

Street Address

1030 Delta Blvd, Atlanta

City and County

Atlanta

State and Zip Code

Georgia, 30354

Telephone Number

800-221-1212

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Phillip Mitchell Butler, is a citizen of the State of (name) Atlanta SC.

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Ed Bastian, is a citizen of the State of (name) Atlanta Georgia. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Delta Airlines, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*



3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

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III. Statement of Claim *See Attached*

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

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IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

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*See Attached*

**Statement of claim I was upset with delta airlines on July 8th because my flight was delayed three times and canceled once without any explanation to me as a customer. At the check in desk the supervisor and the employees was working were very aggressive to me and boisterous but we were the victims in the airline. They were very rude and unprofessional to me and impatient when I disagreed with their negative attitude towards us as customers flying and made the encounter with me personal. While I was delayed and no response or no answer was given to me. The supervisor wouldn't allow me to board the airplane I feel it's racial discrimination against me this is the main reason why I am filing a civil lawsuit when I express dissatisfaction and disappointment about the situation I was not listen to as a delta customer. And she didn't offer me no hospitality of a hotel or no remedy for my time. I was lectured and scolded the entire time in the airport for mentioning I was not happy with the service. The flight attendant never disclose anything to me for the reasons of the delays and cancellations and told me to calm down and change my attitude immediately she bared me from the flight not allowing me to get on the plane to board. The supervisor of Delta airlines scheduled me for another flight in the morning next day at 8:30 am and made me and my father wait for about 24 hours another day. Time was wasted and I missed an huge business opportunity that was important to me in my business affairs of life. Which the airport never reimbursed my second flight or offered me a complimentary beverage or food accommodation and provided us with no hotel, reimbursement or refund. I am filing a lawsuit against delta airlines because I felt racial discrimination they have horrible customer service and do not no how to communicate with the customers. Before jumping to conclusions or accusations the first time I meet the boarding attendants. The females were very aggressive and acted as though they were irritated with us for checking in the airport.**

Relief The supervisor stated because I said something in disagreement with her of the delays and cancellations she quoted I don't like his attitude I'm not going to allow him to board on the plane. Mental anguish and physical discomfort and stress being in the airport for over 24 hours not giving a

meal or drink forced to stay with no resolution for 24 hours until the next morning flight. The supervisor went beyond her duties to punish me in her mind for disagreeing and showing dissatisfaction with the airline. I was treated like some one who never paid for service I was even allowed to speak and treated like a beggar with no hotels or amenities that was offer to me no food or no compensation for my inconvenience of time wasted and spent in the airport. Me and my father had to pay extra money for being delayed three times for parking. We missed an important business meeting because of her negligence.

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C. I am filing this civil lawsuit in Atlanta Georgia because I suffered with racial discrimination and mental anguish from the employees that work at the boarding desk in delta airport they lack empathy and were rude. My flight was delayed three times and canceled once without any explanation on what was happening and why? Just before boarding I made an inquiry on why we were delayed and why they were being hostile when we were the customers that were suffering from the constant delays and finally cancellations. The Supervisor had an attitude with me before I even asked a question and started to look angry. The moment I inquired about the flight the supervisor told me that I need to calm down and book us a flight the next day why we had to suffer in the airport without any accommodations until the next day.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 31, 2024.

Signature of Plaintiff

Phillip M Butler

Printed Name of Plaintiff

Phillip Mitchell Butler

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Address

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

E-mail Address

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